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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,964	03/15/2004	Martin Greive	A-3945	2551
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LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER NICHOLSON III, LESLIE AUGUST	
			ART UNIT 3651	PAPER NUMBER
DATE MAILED: 11/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,964

Applicant(s)

GREIVE, MARTIN

Examiner

Leslie A. Nicholson III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/14/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 7, 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/14/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is a FINAL action on the merits of application 10/801964.

Response to Arguments

2. Applicant's arguments with respect to claim 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 10/14/2005, with respect to the specification objection and 35 USC 112-1st paragraph rejection have been fully considered and are persuasive. The objection of the specification has been withdrawn. The 35 USC 112-1st paragraph rejection has been withdrawn.

Drawings

3. The drawings were received on 10/14/2005. These drawings are accepted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6 (see ¶18) are rejected under 35 U.S.C. 103(a) as being unpatentable over Damkjaer USP 5,305,869 in view of Rasmussen USP 5,992,994.

Damkjaer discloses a similar device comprising:

- three mutually adjacent conveying segments (1) defining a conveying path for the sheets, said conveying segments including a central conveying segment
- at least one guide element (2) assigned to each one of said conveying segments
- a coupling (4) between said guide element assigned to said central conveying segment and an adjacent said guide element assigned to an adjacent said conveying segment

Damkjaer does not expressly disclose a plurality of deflection rollers and a conveyor belt disposed to run over said deflection rollers, nor does Damkjaer disclose the central conveying segment opposite the print head or an apparatus for adjusting a height of a central one of said guide element assigned to said central conveying segment opposite the print head.

Rasmussen teaches a plurality of deflection rollers (92,112) and a conveyor belt (62) disposed to run over said deflection rollers, the central conveying segment being opposite the print head and an apparatus for adjusting a height of a central one of said guide element assigned to said central conveying segment opposite the print head (fig.4) for the purpose of maintaining a uniform spacing between the print media and an inkjet printhead (C1/L5-11).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a plurality of deflection rollers and a conveyor belt disposed to run over said deflection rollers, the central conveying segment being opposite the print head and an apparatus for adjusting a height of a central one of said guide element assigned to said central conveying segment opposite the print head, as taught by Rasmussen, in

the device of Damkjaer, for the purpose of maintaining a uniform spacing between the print media and an inkjet printhead.

Regarding claim 2, Damkjaer further discloses the device wherein said central guide element forms a unitary structure in combination with a suction box (fig.4-6) (C4/L24-42).

Regarding claim 3, Damkjaer further discloses the device which comprises three suction boxes each disposed at a respective one of said three conveying segments, said suction boxes having guide elements (fig.4-6) (C4/L24-42).

Regarding claim 4, Damkjaer further discloses the device wherein said adjacent suction boxes are pivotally mounted (fig.2).

Regarding claim 5, Damkjaer further discloses the device wherein said adjacent suction boxes are articulated about respective pivot axes coaxially aligned in each case with a rotational axis of a respective said deflection roller (fig.2).

Regarding claim 6, Damkjaer discloses all the limitations of the claim, but does not expressly disclose the device wherein said apparatus includes a lever mechanism.

Rasmussen teaches said apparatus including a lever mechanism for the purpose of imparting the elevation change to the central guide element (C9/L24-28).

At the time of invention it would have been obvious to one having ordinary skill in the art to include a lever mechanism, as taught by Rasmussen, in the device of Damkjaer, for the purpose of imparting the elevation change to the central guide element (C9/L25-28).

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6. Claims 8 and 9 (see ¶8) are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen USP 5,992,994 in view of Damkjaer USP 5,305,869.

Rasmussen discloses a similar sheet-conveying assembly comprising:

- A holding device (carriage rod) and a head (40) mounted to said holding device (C5/L57-60)
- a plurality of deflection rollers (92,112) and a conveyor belt (62)
- a central conveying segment opposite said head (fig.4)
- a central guide element disposed at said central conveying segment (fig.4)
- an apparatus for adjusting a spacing distance between said central guide element and said head (fig.4)

Rasmussen does not expressly disclose

- three mutually adjacent conveying segments, said conveying segments including a central conveying segment
- a coupling between said guide element assigned to said central conveying segment and an adjacent said guide element assigned to an adjacent said conveying segment

Damkjaer teaches three mutually adjacent conveying segments (1), said conveying segments including a central conveying segment and a coupling (4) between said guide element assigned to said central conveying segment and an adjacent said guide element assigned to an adjacent said conveying segment for the purpose of articulating the conveying segments with one another (C3/L51-66).

At the time of invention it would have been obvious to one having ordinary skill in

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the art to employ three mutually adjacent conveying segments, conveying segments including a central conveying segment, and a coupling between said guide element assigned to said central conveying segment and an adjacent said guide element assigned to an adjacent said conveying segment, as taught by Damkjaer, in the device of Rasmussen, for the purpose of articulating the conveying segments with one another.

Regarding claim 9, Rasmussen further discloses the device wherein said head is a print head or an inspection head (C5/L57-60).

7. Regarding claims 10 and 11 (see ¶8), Rasmussen discloses all the limitations of the claims (see ¶6) and further discloses said apparatus for adjusting said guide element including a lever mechanism (C9/L24-28), but does not expressly disclose three suction boxes each disposed at a respective one of said three conveying segments, said suction boxes having guide elements, or the central suction box being connected to the adjacent suction boxes in an articulated manner.

Damkjaer teaches three suction boxes each disposed at a respective one of said three conveying segments, said suction boxes having guide elements, and the central suction box being connected to the adjacent suction boxes in an articulated manner (fig.2,4-6) (C4/L24-42) for the purpose of creating a flexible conveying path with appropriate item gripping means.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ three suction boxes each disposed at a respective one of said three conveying segments, said suction boxes having guide elements, and the central suction

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box being connected to the adjacent suction boxes in an articulated manner, as taught by Damkjaer, in the device of Rasmussen, for the purpose of creating a flexible conveying path with appropriate item gripping means.

Examiner's Note

8. The applicant appears to be attempting to use means plus function in claims 1-12. Does the applicant intend to invoke 35 USC 112 6th paragraph? The examiner will interpret this claim as to not invoking 35 USC 112 6th paragraph. See MPEP 2114 and 2181.

Allowable Subject Matter

9. Claims 7 and 12 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the use of "rollers for vertically guiding said guide element for adjusting said guide element opposite the print head" appears to be novel.

Claims 7 and 12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.
11/18/2005



GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER